

### **REMARKS**

The application has been reviewed and revised in light of the Office Action mailed on March 23, 2005. Claims 1-22 are currently pending in the application, with Claims 1, 11, 18, 20 and 22 being in independent form. By this amendment, Claims 1, 3, 11, 18 and 22 have been amended, and Claim 23 has been canceled without prejudice. Claim 3 has been amended in a manner which overcomes the objection stated in the Office Action. No new matter or issues have been introduced by this amendment. In view of the amendments above and the remarks to follow, reconsideration and allowance of this application are respectfully requested.

#### **Rejection of Claims 1-22 Under 35 U.S.C. § 103**

##### **Rejection of Claims 1-4, 10**

Claims 1-4, 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yanagidate (US 5,610,884) in view of Lu (US 6,713,718).

Yanagidate is directed to an optical information reproducing apparatus having half-prism 8c; moveable objective lens 14; first and second beam splitter 31, 32; tracking detector 35; moiré detectors 36 and 38; and fixed lenses 33, 34, 37 (see FIG. 3). The light reflected by the first and second beam splitters 31, 32 is received by the read and tracking detector 35 used for read and tracking through fixed lenses 33 and 34 having a focal length L, respectively, and by the moiré detector 36 for focus and track counting. Also, transmitted light of the second beam splitter 32 is received by the moiré detector 38 through the fixed lens 37 having a focal length L. Slits 39 and 40 are arranged in front of moiré detectors 38 and 36, respectively, so as to receive the light passed through the slits 39 and 40. Column 4, lines 32-62. The moveable objective lens 14 is positioned between an optical card 2 and the half-prism 8c.

Lu is directed to a scoring process and apparatus with confocal optical measurement having focusing lenses 70, 90; first and second beam splitters 76, 84; a moveable lens 88 positioned on a movable mount 89; and controller 66 (see FIG. 6). See generally Column 5, lines 9-64. A light beam 10 is reflected by a beam splitter 17 through a detector lens 20. The focused light passes through a pinhole 22 in a member 23 onto a detector 24 which provides an output signal indicative of the detected light intensity. Column 3, lines 16-23. The moveable lens 88 is not positioned between the two beam splitters 76, 84.

With regards to independent Claims 1 and dependent Claims 2-4 and 10, it is respectfully submitted that the subject matter recited by Claim 1 is patentable over Yanagidate, Lu or the combination thereof. Neither Yanagidate nor Lu describe or suggest the structural features of the non-parallax optical auto-focusing system recited by Applicants' independent Claim 1. In particular, neither of these references discloses or suggests two beam splitters positioned on substantially opposite sides of a moveable lens as recited by independent Claim 1. Further, neither of the cited references discloses or suggests a "sensor assembly having a photodetector adapted to receive the redirected reflected aiming beam" as recited by Applicants' independent Claim 1.

Accordingly, independent Claim 1 and Claims 2-4 and 10, which depend there from, are believed to be patentable distinct over Yanagidate, Lu, or the combination thereof. Therefore, reconsideration and withdrawal of the rejection with respect to independent Claim 1 and dependent Claims 2-4 and 10 is respectfully requested and allowance of independent Claim 1 and dependent Claims 2-4 and 10 is earnestly solicited.

**Rejection of Claims 5-9**

Dependent Claims 5-9, were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yanagidate as modified by Lu as applied to Claim 1 and further in view of Ogino (US 5,461,220). Dependent Claims 5-9 depend from independent Claim 1.

The Ogino disclosure is directed to an information processing system 20 comprising a processing unit 21; AT/AF control unit 22; modulation-demodulation unit 23; optical head moving control unit 24; optical card moving control unit 25; optical head 30; and optical system 31. Control unit 24 controls the movement of optical head 30 using a motor 27. See Column 5, lines 5-10. Movement of the optical head 30 in Ogino depends on instructions from an external apparatus (i.e. a personal computer) 10. External apparatus 10 sends an instruction to processor 21, wherein the processor 21 causes optical head moving control unit 24 to move optical head 30 based on the information received from external apparatus 10. Column 5, lines 7-11 and Column 5, lines 65-67 to Column 6, lines 1-7.

The teachings of Yanagidate and Lu have been discussed hereinabove with respect to Claim 1. Ogino does not cure the deficiencies of Yanagidate and Lu. Accordingly, it is respectfully submitted that the subject matter recited by Claims 5-9 is patentable over Yanigade, Lu, Ogino or the combination thereof.

In particular, with respect to Ogino, Ogino does not teach or suggest a “signal processor adapted to receive the output signal [generated by the sensor assembly] and capable of generating a control signal based on information relayed by the output signal” as recited by dependent Claim 5 of which Claims 6-9 depend there from. As described above, Ogino uses an external apparatus 10 or personal computer to control movement of an optical head 30. The

external apparatus 10 does not receive an output signal generated by a sensor assembly of an optical auto-focusing system for generating a control signal.

Accordingly, dependent Claims 5-9 are believed to be patentable distinct over Yanagidate, Lu, Ogino, or the combination thereof. Therefore, reconsideration and withdrawal of the rejection with respect to dependent Claims 5-9 is respectfully requested and allowance of dependent Claims 5-9 is earnestly solicited.

#### **Rejection of Claims 11-17**

Claims 11-17, were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yanagidate as modified by Lu as applied to Claim 1 and further in view of Ogino.

The teachings of Yanagidate and Lu have been discussed hereinabove with respect to Claim 1.

The teachings of Ogino have been discussed hereinabove with respect to Claims 5-9. It is respectfully submitted that the subject matter recited by Claims 11-17 is patentable over Yanagidate, Lu, Ogino or the combination thereof.

The cited references and the combination thereof do not disclose or suggest two beam splitters positioned on substantially opposite sides of a moveable lens as recited by Applicants' independent Claim 11. Further, the cited references and the combination thereof do not disclose or suggest a "feedback system adapted to receive the redirected reflected aiming beam, determine a parameter thereof, and generate at least one signal for repositioning the lens according to the determined parameter" as recited by Applicants' independent Claim 11.

Accordingly, independent Claim 11 and Claims 12-17, which depend therefrom, are believed to be patentably distinct Yanagidate, Lu, Ogino or the combination thereof. Therefore, reconsideration and withdrawal of the rejection with respect to Claims 11-17 is respectfully requested and allowance of Claims 11-17 is earnestly solicited.

**Rejection of Claims 18-22**

Claims 18-22, were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yanagidate as modified by Lu as applied to Claim 1 and further in view of Ogino. The teachings of Yanagidate and Lu have been discussed hereinabove with respect to Claim 1. The teachings of Ogino have been discussed hereinabove with respect to Claims 5-9. It is respectfully submitted that the subject matter recited by Claims 18-22 is patentable over Yanagidate, Lu, Ogino or the combination thereof.

The cited references and the combination thereof do not disclose or suggest two beam splitters positioned on substantially opposite sides of a lens capable of being repositioned as recited by Applicants' independent Claim 18.

The cited references and the combination thereof also do not disclose or suggest at least a lens operatively coupled to an actuator and positioned between first and second beam splitters as recited by Applicants' independent Claim 20.

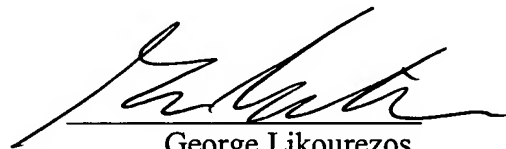
The cited references and the combination thereof also do not disclose or suggest at least a lens operatively coupled to an actuator and positioned between first and second beam splitters as recited by Applicants' independent Claim 22.

Accordingly, Claims 18-22 are believed to be patentably distinct over Yanagidate, Lu, Ogino and the combination thereof. Therefore, reconsideration and withdrawal of the rejection with respect to Claims 18-22 is respectfully requested and allowance of Claims 18-22 is earnestly solicited.

### Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that none of the references of record, considered individually or in combination, in whole or in part, disclose or suggest the claimed subject matter. Therefore, all claims now pending in this application, namely, Claims 1-22, are now in condition for allowance. Accordingly, early and favorable consideration of this application is respectfully requested. Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, he is respectfully requested to contact Applicants' undersigned attorney at the telephone number indicated below.

Respectfully Submitted,



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